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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,809	10/06/2003	Jeffrey C. Zimmerman	BBT-PT003	3308

3624 7590 12/01/2005

VOLPE AND KOENIG, P.C.  
UNITED PLAZA, SUITE 1600  
30 SOUTH 17TH STREET  
PHILADELPHIA, PA 19103

EXAMINER
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KHAIRA, NAVNEET K

ART UNIT	PAPER NUMBER
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3754

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/679,809

Applicant(s)

ZIMMERMAN, JEFFREY C.

Examiner

Navneet Sonia Khaira

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on October 6, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 and 11 is/are allowed.
- 6) ☒ Claim(s) 1-9 and 12-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejection under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9, and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (US 5,826,750).

Referring to claims 1 and 12, Johnson discloses a toy water gun (10), comprising:

a housing (11) including a handle (14) with a trigger (17) and a water ejection nozzle (21) located thereon;

a water supply tank (18) connected to the housing (11) which can be filled with water;

a water pump (32) located on the housing (11) for pumping water from the supply tank (18) to at least one water pressure chamber(19);

the water pressure chamber (19, fig 1) including at least one fixed wall (65, fig 3), a first end wall (bottom end below 50 in fig 1), and a moveable wall (piston wall 45) which substantially sealingly engages the at least one fixed wall (45 engages 65) and is

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slidable away from the first end wall (bottom end below 50 in fig 1), as water is pumped into the water pressure chamber (19) and toward the first end wall (water flows out of 19 towards the rectangular unit which has a first end wall below 50) as water is discharged;

an air pressure chamber (74, fig 2) located on an opposite side of the moveable wall (45) from the water pressure chamber (19) and being pressurizable with compressed air to bias the moveable wall (45) toward the first end wall (bottom end below 50 in fig 1);

an air pump (32) connected to the air pressure chamber (74,38, fig 2) for pressurizing the air pressure chamber with a user desired (39) air pressure; and

a release valve (62) in fluid communication with the water pressure chamber (19) so that actuation of the release valve allows a stream of water to be ejected from the nozzle (21) due at least in part to the compressed air acting on the moveable wall.

Referring to claim 2, Johnson further discloses comprising a spring (50) that biases the moveable wall (45) toward the first end wall.

Referring to claim 3, Johnson further discloses the air pump (32) is connected to the housing (11).

Referring to claim 4, Johnson further discloses a first conduit (36) connecting an outlet of the water supply tank (18) to the water pump (32), and a float valve (60)

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located in the water supply tank (60) that closes the outlet when the water supply tank is substantially empty.

Referring to claim 5, Johnson further discloses a first check valve (60) located in a first conduit (36) connecting an outlet of the water supply tank (23) to the water pump, and a second check valve (61) located in a second conduit (55) connecting the water pump (32) to the water pressure chamber (19).

Referring to claim 6, Johnson further discloses a third conduit (65) between the water pressure chamber (19) and the release valve (62).

Referring to claim 7, Johnson further discloses a fourth conduit (53) connected between the water pressure chamber and the first conduit (36), and a pressure relief valve (61) located in the fourth conduit (53).

Referring to claim 9, at least one fixed wall (41, fig 1) is a tubular wall, and the moveable wall (45) is slidable within the tubular wall (41), the air pressure chamber (19) is formed by the tubular wall (41), the moveable wall (45) and a second end wall (top end where 41 points, fig 1) connected to an opposite end of the tubular wall from the first end (the bottom wall below spring 50).

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Referring to claim 13, Johnson further discloses a spring (50) acting on the at least one of moveable (45) and flexible (43) wall.

Referring claim 14, Johnson further discloses the water pressure chamber (19) having at least one fixed wall (65, fig 1) and a moveable wall (45) that can be moved to expand or contract a volume of the chamber.

Referring claim 15, Johnson further discloses the water pressure chamber (19) is formed by the at least one fixed wall (65, fig 3), an end wall (bottom end below 50, fig 1) connected thereto and the moveable wall (45), and the air pressure source is an air pump (32) connected to the water gun housing (11).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 5,826,750) in view of Hornsby et al (US 6,892,902)

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Referring to claim 8, Johnson discloses a pressure chamber but does not disclose a pressure sensor in the water pressure chamber, and a visual pressure indicator connected to the pressure sensor. Hornsby et al discloses a water gun can be connected to components that are commercially available as attachments such as pressure sensors for the pressure chamber and liquid level sensors.

It would have been obvious to one of ordinary skill in the art to have modified the gun of Johnson by attaching the components such as a pressure sensor which are well known in the art to have indicators such as lights or beeping sounds as disclosed by Hornsby in order to warn the user of the pressure level in the water pressure chamber.

#### ***Allowable Subject Matter***

Claims 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Citation of Related Prior Art***

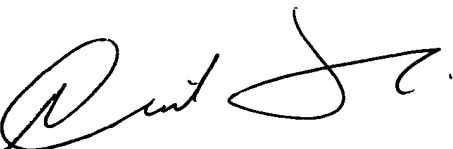
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nagel (US 5,865,344) reference also discloses water toy gun device.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet Sonia Khaira whose telephone number is 571-272-7142. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mar Y. Michael can be reached on 571-272-4906. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
NK

Navneet Sonia Khaira  
Examiner  
Art Unit 3754

  
**MICHAEL MAR**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3700**